

1.28
JULY 2004
DIVISION

Docket No.: SUC4USA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2004 NOV -9 PM

Application No. : 10/706,803 Confirmation No. 6944
Applicant : Hofmeister et al.
Filed: November 12, 2003
Art Unit : 2837
Examiner :
Customer No. : 00270
Title : ELECTRONIC TONE GENERATION SYSTEM AND BATONS THEREFOR

RECEIVED

NOV 16 2004

OFFICE OF PETITIONS

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

11/12/2004 DALLEN 00000011 10706803
01 FC:1461 477.00 DP

CERTIFICATE UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail on the date indicated below in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Signature M Marsden
Date 11-4-04

DEFICIENCY PAYMENT PURSUANT TO 37 CFR §1.28(c)

Dear Sir:

Enclosed is a deficiency payment for the filing fee and fee for eight claims in excess of twenty that were previously submitted in good faith in the above referenced application as a small entity.

Small entity status was established in good faith for the assignee of the present application as filed on November 12, 2003. It is now believed that such status was established in error. The error was made in good faith and without any deceptive intent on the part of the Applicant and the undersigned attorney.

According to 37 CFR §1.28(c):

"If status as a small entity is established in good faith, and fees as a small entity are paid in good faith, in any application or patent, and it is later discovered that such status as a small entity was established in error, ... the error will be excused upon: compliance with the separate submission and itemization requirements of paragraphs (c)(1) and (c)(2) of this section, and the deficiency payment requirement of paragraph (c)(2) ...".

This paper is being filed with respect to a single pending application in accordance to paragraph (c)(1). The itemization requirement in accordance with paragraph (c)(2) is provided below.

Itemization of the Deficiency Payment

Type of Fee: Basic Filing Fee - Utility

Current Fee Amount: \$790.00

Fee Paid/Date Paid: \$385.00 paid on November 12, 2003

Deficiency Owed: \$405.00

Type of Fee: Eight Extra Claims over Twenty, as filed

Current Fee Amount: \$144.00

Fee Paid/Date Paid: \$72.00 paid on November 12, 2003

Deficiency Owed: \$72.00

Total Deficiency Owed = \$477.00

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A check in the amount of \$477 is enclosed herewith in accordance to 37 CFR §1.28(c)(2).

In addition, in accordance with 37 CFR §1.28(d), the enclosed deficiency payment constitutes the notification required by 37 CFR §1.27(g)(2) of a loss of entitlement to small entity status of the applicant for this application.

In the event that a further fee is required, please charge the fee to our Deposit Account
No. 08-3040.

Respectfully submitted,
HOWSON AND HOWSON
Attorneys for Applicant

By William Bak
William Bak
Reg. No. 37,277
Spring House Corp. Center
Box 457
Spring House, PA 19477
(215) 540-9216



Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 477.00)

Complete if Known

Application Number 10/706,803

Filing Date November 12, 2003

First Named Inventor Hofmeister et al.

Examiner Name

Art Unit 2837

Attorney Docket No. SUC4USA

RECEIVED

NOV 16 2004

OFFICE OF PETITIONS

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None

Deposit Account:

Deposit Account Number	08-3040
Deposit Account Name	Howson and Howson

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 790	2001 395	Utility filing fee	
1002 350	2002 175	Design filing fee	
1003 550	2003 275	Plant filing fee	
1004 790	2004 395	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)			

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent	-20** =	X	=
Claims	-3** =	X	=
Multiple Dependent			

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 88	2201 44	Independent claims in excess of 3
1203 300	2203 150	Multiple dependent claim, if not paid
1204 88	2204 44	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$)		

** or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 430	2252 215	Extension for reply within second month	
1253 980	2253 490	Extension for reply within third month	
1254 1,530	2254 765	Extension for reply within fourth month	
1255 2,080	2255 1,040	Extension for reply within fifth month	
1401 340	2401 170	Notice of Appeal	
1402 340	2402 170	Filing a brief in support of an appeal	
1403 300	2403 150	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,370	2453 685	Petition to revive - unintentional	
1501 1,370	2501 685	Utility issue fee (or reissue)	
1502 490	2502 245	Design issue fee	
1503 660	2503 330	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 790	2809 395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 790	2810 395	For each additional invention to be examined (37 CFR 1.129(b))	
1801 790	2801 395	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify) <i>Deficiency Payment</i>			477.00

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 477.00

SUBMITTED BY

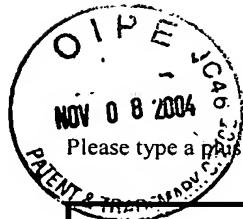
Name (Print/Type)	William Bak	Registration No. (Attorney/Agent)	37,277	Telephone	215-540-9216
Signature	<i>William</i>			Date	November 4, 2004

(Complete if applicable)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Please type a plus sign (+) inside this box →

CUSTOMER NO. 00270

PTO/SB/21 (08-00)

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Serial Number	10/706,803	
File Date	November 12, 2003	
First Named Inventor	Hofmeister et al.	
Group Art Unit	2837	RECEIVED
Examiner Name	NOV 16 2004	
Total Number of Pages in this Submission		SUC4USA OFFICE OF PETITIONS

ENCLOSURES (check all that apply)

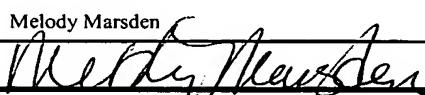
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks: Deficiency Payment		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

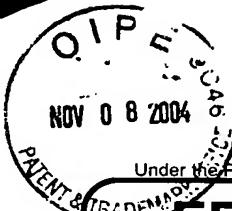
Firm or Individual Name	William Bak
Signature	
Date	November 4, 2004

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: November 4, 2004.

Typed or printed name	Melody Marsden	Date	November 4, 2004
Signature			

Burden of Proof Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231



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Examiner Name	RECEIVED NOV 16 2004
Art Unit	2837
Attorney Docket No.	SUC4USA

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